

# **EXHIBIT 1**

07 CIV 8623

JS 44C/SDNY  
REV. 12/2005

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

MICHAEL CLARK, individually and on  
behalf of all others similarly situated

## DEFENDANTS

Ecolab, Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
 Adam T. Ken, Esq.; Justin M. Szwartz, Esq.; Michael J. Sweeney, Esq.; Matthew Gunn, Esq.;  
 Jack A. Raisner, Esq.; Rachel M. Bier, Esq.; Dan Germain, Esq.; German Law Office  
 Cutten & Golden, LLP  
 3 Park Ave., 29th Floor, New York, NY 10016  
 (212) 255-1000  
 (845) 255-9378

ATTORNEYS (IF KNOWN)  
 Jeffrey W. Becker, Esq.; James R. Williamson, Esq.; Marc S. Wengert, Esq.; Matthew A. Steinberg, Esq.;  
 Jackson Lewis LLP  
 50 South Service Road, Suite 410  
 Mahwah, NJ 07437 and 59 Maiden Lane  
 New York, NY 10038  
 (212) 545-8000  
 (212) 545-8000  
 (212) 247-2000

## CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Claims as a collective action, of wage and hour and overtime violations under the Fair Labor Standards Act, 29 USC §§201, et seq., and California Labor Code §§ 201, 202, 203, 218.5, 226, 226.7, 510, 512, 1174, 1174.5, and 1194, Cal. Wage Order No. 4

Has this or a similar case been previously filed in SDNY at any time? No  Yes?  Judge Previously Assigned Judge Paul A. Crotty

If yes, was this case Vol  Invol.  Dismissed. No  Yes  If yes, give date

&amp; Case No.

OCT 04 2007

## (PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

CONTRACT	TORTS	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 810 AGRICULTURE	<input type="checkbox"/> 421 APPEAL	<input type="checkbox"/> 140 STATE REAPPORTIONMENT
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 388 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 820 FOOD & DRUG	<input type="checkbox"/> 422 29 USC 158	<input type="checkbox"/> 141 ANTITRUST
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 390 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 395 MOTOR VEHICLE LIABILITY	<input type="checkbox"/> 825 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 143 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 340 MARINE LIABILITY	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 830 LIQUOR LAW'S LIABILITY	<input type="checkbox"/> 29 USC 157	<input type="checkbox"/> 145 COMMERCE/ICC RATES/ETC
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 350 MOTOR VEHICLE LIABILITY	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 840 RR & TRUCK AIRLINE REGS	<input type="checkbox"/> 424 PROPERTY RIGHTS	<input type="checkbox"/> 146 DEPORTATION
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 350 OTHER PERSONAL INJURY	<input type="checkbox"/> 380 OTHER PERSONAL INJURY	<input type="checkbox"/> 380 OTHER PERSONAL INJURY	<input type="checkbox"/> 845 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 821 COPYRIGHTS	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
<input type="checkbox"/> 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 380 OTHER PERSONAL INJURY	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 850 OTHER	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 1480 CONSUMER CREDIT
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS					<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 1490 CABLE/SATELLITE TV
<input type="checkbox"/> 160 STOCKHOLDERS SUITS					<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 1510 SELECTIVE SERVICE
<input type="checkbox"/> 190 OTHER CONTRACT					<input type="checkbox"/> LABOR	<input type="checkbox"/> 1550 SECURITIES/ COMMODITIES/ EXCHANGE
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY				<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 161 MIA (1395FF)	<input type="checkbox"/> 1575 CUSTOMER CHALLENGE
<input type="checkbox"/> 196 FRANCHISE				<input type="checkbox"/> 1720 LABOR/RIGHTS RELATIONS	<input type="checkbox"/> 162 BLACK LUNG (223)	<input type="checkbox"/> 12 USC 3410

## ACTIONS UNDER STATUTES

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LITIGATION	TAXES
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 161 MIA (1395FF)	<input type="checkbox"/> 1580 BANKRUPTCY
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 515 HABEAS CORPUS	<input type="checkbox"/> 162 BLACK LUNG (223)	<input type="checkbox"/> 29 USC 157
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING ACCOMMODATIONS	<input type="checkbox"/> 530 DEATH PENALTY	<input type="checkbox"/> 163 CIVIC (405G)	
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 164 CIVW (405G)	
<input type="checkbox"/> 246 TORT PRODUCT LIABILITY	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 165 SSID TITLE XVI	
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 1740 RAILWAY LABOR ACT FEDERAL TAX SUITS	
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS		<input type="checkbox"/> 1750 OTHER LABOR	

## Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION   
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:DEMAND \$  OTHER  JUDGE Judge Paul A. Crotty DOCKET NUMBER Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

## ORIGIN

1 Original Proceeding       2a. Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from (Specify District)       6 Multidistrict Litigation       7 Appeal to District Judge from Magistrate Judge Judgment

2b. Removed from State Court AND at least one party is a pro se litigant

(PLACE AN X IN ONE BOX ONLY)

## BASIS OF JURISDICTION

1 U.S. PLAINTIFF       2 U.S. DEFENDANT       3 FEDERAL QUESTION       4 DIVERSITY  
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	PTF DEF [ ] 2 [ ] 2	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF DEF [ ] 4 [ ] 4	FOREIGN NATION	PTF DEF [ ] 6 [ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Michael Clark  
2490 Walter's Way, Apt 4  
Concord, CA 94520  
Contra Costa County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Ecolab, Inc.  
370 Wabasha Street  
St. Paul, MN 55102

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 10/4/07 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO  
[ ] YES (DATE ADMITTED Mo. 9 Yr. 2002)  
Attorney Bar Code # JS7989

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)